IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION No. 17617 of 2004

Between:

K.Indiramma W/o.K.Chinnaiah
R/o Vegur (V), Kovvur Mandal,

Nellore District.

..... PETITIONER

AND

The Municipal Commissioner,

Nellore Municipality
Nellore District. .....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction particularly one in the nature of writ of Mandamus by directing the respondent to consider the representation of the petitioner dated 20-9-2004 and pass appropriate orders on the representation and further direct the respondent to take steps to protect petitioner's peaceful possession of the shed situated at Sunday Market, Nellore Town, Nellore District.

Counsel for the Petitioner : Mr.P.RAVI KIRAN

Counsel for the Respondent : Mr.D.SRINIVAS

The Court at the admission stage, made the following :

ORDER:

Heard the learned counsel for petitioner and the learned Standing Counsel for Respondents, and both of them agreed for disposal of the writ petition finally at the stage of admission.

The only submission made by the counsel appearing for the petitioner is to consider the representation of the petitioner dated 20.9.2004 and until disposal of such representation, the petitioner shall not be dispossessed from the shed, which stated to have been in occupation of the petitioner where Sunday market is being run.

The learned counsel appearing for the respondent submits that the petitioner has encroached on the subject property and doing business in the shed.

If the petitioner is in occupation of the said premises since several years, the respondent has to follow the procedure contemplated under law for due eviction of the petitioner.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the respondent to consider the representation of the petitioner dated 20.9.2004 and pass appropriate orders thereon and only on such disposal of representation, the respondent can proceed further in the matter. It is needless to observe that the respondent should follow the procedure as per law for taking possession of the property. No costs.

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A.GOPAL REDDY, J

Date: 30.9.2004

Note: C.C. in (2) days.

B/o

DA

To

1. The Municipal Commissioner, Nellore Municipality,

Nellore District.

2. Two CD copies.